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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 Linda Leahy,

12 Plaintiff,

13 v.

14 CMH Homes, Inc.,

15 Defendant.  
16

No. 2:24-cv-01855-KJM-CKD

ORDER

17 Plaintiff Linda Leahy and defendant CMH Homes, Inc., have submitted a Joint Statement  
18 for an Evidentiary Hearing. ECF No. 26. Having taken it into consideration, the court orders as  
19 follows.

20 **ISSUE IN DISPUTE**

21 The only issue in dispute at the hearing is whether Leahy signed the Binding Dispute  
22 Resolution Agreement (BDRA) with CMH Homes.

23 **UNDISPUTED FACTS**

- 24 • CMH is a retailer of manufactured housing.
- 25 • On or about October of 2022, Plaintiff reached out to CMH to inquire about purchasing  
26 a manufactured home from CMH, which would be installed in the Casa Mobile Park in West  
27 Sacramento, California.

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1 • After discussing the matter, reviewing information on the proposed home, and coming  
2 back to view the Casa Mobile Park, Plaintiff agreed to purchase a manufactured home from CMH  
3 for \$140,594.29.

4 • Plaintiff purchased the home as Trustee of The Linda G. Leahy 2020 Revocable Trust.

5 • On or about November 18, 2022, Plaintiff signed a Manufactured Home Purchase Order  
6 and Federal Disclosure Statement, wherein she ordered a new manufactured home from CMH to  
7 be installed at the Casa Mobile Park.

8 • At the time the purchase order was signed, the home was still under construction.

9 • In March of 2023, Plaintiff came back and sat down with Julie Campbell, a CMH sales  
10 person, who provided certain agreements that needed to be signed.

11 • Plaintiff reviewed the documents that were provided to her and signed certain documents  
12 after her review was completed.

13 • As part of the purchase of the home from CMH, Plaintiff provided check number 2588,  
14 in the amount of \$1,000.00 dated November 18, 2022, from Account Number 000148140038 at  
15 Bank of America made payable to Placer Title Company.

16 • As part of the purchase of the home from CMH, Plaintiff provided check number 102 in  
17 the amount of \$5,000.00 dated December 10, 2022, from account number 440034108017, at  
18 Charles Schwab Bank, SSB, made payable to Placer Title Company.

19 **DISPUTED FACTUAL ISSUES**

20 • Plaintiff disputes that she was at CMH's office on March 24, 2023.

21 • Plaintiff disputes that she signed a Power of Attorney in favor of Placer Title Company.

22 • Plaintiff disputes that she signed the BDRA.

23 • Plaintiff disputes that she signed any documents in connection with the purchase of the  
24 home from CMH on March 24, 2023.

25 • At the time of filing this Joint Statement, Plaintiff claims she does not recall the specific  
26 documents that she signed when meeting with Ms. Campbell in March of 2023.

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1 • CMH contends that Plaintiff provided to CMH as part of the purchase a notarized  
2 General Assignment and Transfer for the Linda G. Leahy 2020 Revocable Trust, dated  
3 October 29, 2020, and signed by Plaintiff.

4 • CMH contends Plaintiff signed the following documents on March 24, 2023, as part of  
5 her purchase of the home from CMH:

- 6 • Affiliated Business Arrangement Disclosure Statement
- 7 • Declaration of Delivery Sale, dated March 24, 2023
- 8 • Sales Agreement, which was dated March 24, 2023, and attached as Exhibit 1 to her  
9 First Amended Complaint
- 10 • A document entitled The Housing Financial Discrimination Act of 1977 Fair  
11 Lending Notice, dated March 24, 2023
- 12 • Homeowner's Insurance Quote, dated March 24, 2023
- 13 • A document entitled Welcome Home Image Release, consenting to the Welcome  
14 Home Image Release, dated March 24, 2023
- 15 • American Bankers Insurance Company of Florida, Specialty Homeowners Program  
16 Application-California, dated March 24, 2023
- 17 • Lender Choice Form, dated March 24, 2023
- 18 • Retailer Closing Agreement, dated March 24, 2023
- 19 • Notice of Department of Housing and Urban Development (HUD) Manufactured  
20 Home Dispute Resolution Program, dated March 24, 2023
- 21 • Buyer's Cash Disclosure, dated March 24, 2023
- 22 • Acknowledgement of Receipt of Disclosure Regarding Adequate Water Pressure For  
23 Fire Sprinklers, dated March 24, 2023
- 24 • California Amendment to Sales Agreement, dated March 24, 2023
- 25 • Retail Installation Disclosure, dated March 24, 2023
- 26 • Certification of Exemption for Mobilehome Residence Purchase, dated March 24,  
27 2023
- 28 • Home Protection Plan Coverage, dated March 24, 2023

- 1 • Declaration of Deliver of Sale, dated March 24, 2023
- 2 • Buyer(S) Estimated Closing Statement, from Placer Title Company, prepared
- 3 March 23, 2023
- 4 • Dealer Mobile Home Escrow Instructions, Dated March 23, 2023
- 5 • Mother Lode Holding Company and its Subsidiaries Notice of Collection and
- 6 Privacy Policy, dated March 24, 2023
- 7 • Multipurpose Transfer Form in two places

8 **WITNESSES**

9 The following witnesses may be called by either the plaintiff or the defendant:

- 10 1. Linda Leahy
- 11 2. Julie Campbell
- 12 3. Daniel Grossi
- 13 4. Plaintiff's handwriting expert
- 14 5. Defendant's handwriting expert

15 **EXHIBITS, SCHEDULES AND SUMMARIES**

16 The potential exhibits for both parties are the following:

- 17 • General Assignment and Transfer for the Linda G. Leahy 2020 Revocable Trust, dated
- 18 October 29, 2020
- 19 • Affiliated Business Arrangement Disclosure Statement
- 20 • Declaration of Delivery Sale
- 21 • Sales Agreement
- 22 • The Housing Financial Discrimination Act of 1977 Fair Lending Notice
- 23 • Homeowner's Insurance Quote
- 24 • Welcome Home Image Release
- 25 • American Bankers Insurance Company of Florida, Specialty Homeowners Program
- 26 Application-California
- 27 • Lender Choice Form
- 28 • Retailer Closing Agreement

- 1 • Notice of Department of Housing and Urban Development (HUD) Manufactured Home
- 2 Dispute Resolution Program
- 3 • Buyer's Cash Disclosure
- 4 • Acknowledgement of Receipt of Disclosure Regarding Adequate Water Pressure For
- 5 Fire Sprinklers
- 6 • California Amendment to Sales Agreement
- 7 • Retail Installation Disclosure
- 8 • Certification of Exemption for Mobilehome Residence Purchase
- 9 • Home Protection Plan Coverage
- 10 • Declaration of Deliver of Sale
- 11 • Check number 2588, in the amount of \$1,000.00 dated November 18, 2022, from
- 12 Account Number 000148140038 at Bank of America made payable to Placer Title Company
- 13 • Check number 102 in the amount of \$5,000.00 dated December 10, 2022, from account
- 14 number 440034108017, at Charles Schwab Bank, SSB, made payable to Placer Title Company
- 15 • Buyer(S) Estimated Closing Statement, from Placer Title Company
- 16 • Dealer Mobile Home Escrow Instructions
- 17 • Mother Lode Holding Company and its Subsidiaries Notice of Collection and Privacy
- 18 Policy
- 19 • Multipurpose Transfer Form in two places.
- 20 • Power of Attorney in favor of Placer Title Company
- 21 • Communications between Plaintiff, CMH, and Casa Mobile Home Park

22 At the hearing, plaintiff's exhibits shall be listed numerically. Defendant's exhibits shall  
23 be listed alphabetically, first A, B, C, etc., then AB, AB, AC, etc., then BA, BB, BC, and so on  
24 through ZZ. The court encourages the parties to generate a joint exhibit list to the extent possible.  
25 Joint Exhibits shall be identified as JX and listed numerically, e.g., JX-1, JX-2. All exhibits must  
26 be premarked. The parties must prepare exhibit binders for use by the court at the evidentiary  
27 hearing, with a side tab identifying each exhibit in accordance with the specifications above.  
28 Each binder shall have an identification label on the front and spine. The parties must exchange

exhibits no later than **twenty-eight days before the evidentiary hearing**. Any objections to exhibits are due no later than **fourteen days before the evidentiary hearing**.

### **DEPOSITION TRANSCRIPTS**

Counsel must lodge the sealed original copy of any deposition transcript to be used at the evidentiary hearing with the Clerk of the Court on the first day of the evidentiary hearing.

### **FURTHER DISCOVERY OR MOTIONS**

The parties have requested limited discovery on the question of whether Leahy signed the BDRA. They may conduct discovery on the issue of whether Leahy signed the BDRA through **June 26, 2025. Any proposed changes to the witness or exhibit list as a result of discovery must be submitted to the court by July 7, 2025.**

### **STATUS CONFERENCE**

The parties have requested a status conference prior to the evidentiary hearing and the court grants the request. The status conference will take place virtually on **July 10, 2025, at 2:30 p.m.**

### **EVIDENTIARY HEARING DATE AND ESTIMATED LENGTH OF HEARING**

An evidentiary hearing is set for **August 4, 2025 at 9:00 a.m.** in Courtroom Three before the Honorable Kimberly J. Mueller. The evidentiary hearing is expected to last one day.

IT IS SO ORDERED.

DATED: March 11, 2025.

  
UNITED STATES DISTRICT JUDGE